

## **REMARKS**

Applicants respectfully request reconsideration of the present application in view of the amendment and arguments that follow.

### **I. STATEMENT UNDER 37 C.F.R. § 1.133**

Applicants' Representative thanks Examiner S. Swope for the helpful and courteous discussion on February 19, 2010, and March 8, 2010. To the extent a statement under 37 C.F.R. § 1.133(b) is necessary, the substance of the discussion is set forth in detail herein.

### **II. CLAIM 8 WOULD BE ALLOWABLE RECITING "CONSISTING ESSENTIALLY OF"**

Applicants propose an Examiner's Amendment to claim 8 to recite a probe or primer "consisting essentially of" the recited variant JAK2 sequences.

Nucleic acid molecules "consisting essentially of" the recited variant JAK2 sequences have the basic and novel characteristic that they are able to distinguish, based upon hybridization or amplification, a nucleic acid having a sequence that contains the recited variant from a nucleic acid having a sequence that does not contain the variant (e.g., the parent sequence).

Applicants further note that the claimed nucleic acid molecules can include additional sequences or labels, e.g., a fluorescent label as disclosed in the specification (see page 6, paragraph [0048] of published application US 2006/0288432), provided that such additions do not affect the basic and novel characteristic of the nucleic acid molecules.

## **CONCLUSION**

Applicants believe that the present application is in condition for allowance. Favorable reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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By 

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.